

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:07-cr-0105-SEB-TAB
	)	
ROY LAMPKIN,	)	
	)	- 01
Defendant.	)	

**REPORT AND RECOMMENDATION**

On September 9, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on August 11, 2021. Defendant Lampkin appeared in person with his appointed counsel William Dazey. The government appeared by Nicholas Linder, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Brian Bowers.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Lampkin of his rights and provided him with a copy of the petition. Defendant Lampkin orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Lampkin admitted violation numbers 1, and 2. [Docket No. 482.] Government orally moved to withdraw the remaining violations, which motion was granted by the Court.
3. The allegation to which Defendant admitted, as fully set forth in the petition, is:

**Violation  
Number**

**Nature of Noncompliance**

2            **“You must refrain from any unlawful use of a controlled substance.”**

On June 9, July 9, and July 19, 2021, Mr. Lampkin tested positive for marijuana use.

4.        The parties stipulated that:

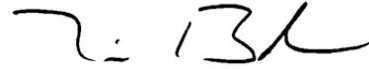
- (a)       The highest grade of violation is a Grade C violation.
- (b)       Defendant’s criminal history category is I.
- (c)       The range of imprisonment applicable upon revocation of supervised release, therefore, is 3 to 9 months’ imprisonment.

5.        The parties jointly recommended a sentence of six (6) months with no supervised release to follow. Defendant requested placement at FCC Terre Haute.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of six (6) months with no supervised release to follow. The Magistrate Judge will recommend placement at FCC Terre Haute. The Defendant is to be taken into custody immediately pending the District Judge’s action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 9/15/2021

A handwritten signature in black ink, appearing to read 'T. Baker', written over a horizontal line.

Tim A. Baker  
United States Magistrate Judge  
Southern District of Indiana

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